

By: Lucio III

H.B. No. 2894

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to desalinated seawater and a requirement that the Texas  
3 Commission on Environmental Quality provide expedited  
4 consideration of certain applications to amend water rights.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 11.122, Water Code, is amended by adding  
7 Subsections (b-1) and (b-2) to read as follows:

8 (b-1) An existing water right holder that begins using  
9 desalinated seawater after acquiring the water right has a right to  
10 expedited consideration of an application for an amendment to the  
11 water right, provided that the amendment:

12 (1) authorizes the applicant to divert water from a  
13 diversion point that is different from or in addition to the point  
14 or points from which the applicant was authorized to divert water  
15 before the requested amendment;

16 (2) authorizes the applicant to divert from the  
17 different or additional diversion point an amount of water equal to  
18 or less than the amount of the desalinated seawater used by the  
19 water right holder;

20 (3) authorizes the applicant to divert from all of the  
21 diversion points authorized by the water right an amount of water  
22 equal to or less than the amount of water the applicant was  
23 authorized to divert under the water right before the requested  
24 amendment; and

1           (4) does not authorize the water diverted from the  
2 different or additional diversion point to be transferred to  
3 another river basin.

4           (b-2) For purposes of Subsection (b-1), expedited  
5 consideration of an application requires the executive director or  
6 the commission to prioritize the technical review of the  
7 application over the technical review of applications that are not  
8 subject to Subsection (b-1).

9           SECTION 2. Section [2003.047](#), Government Code, is amended by  
10 amending Subsection (e-3) and adding Subsection (e-6) to read as  
11 follows:

12           (e-3) The deadline specified by Subsection (e-2) or (e-6),  
13 as applicable, may be extended:

14                   (1) by agreement of the parties with the approval of  
15 the administrative law judge; or

16                   (2) by the administrative law judge if the judge  
17 determines that failure to extend the deadline would unduly deprive  
18 a party of due process or another constitutional right.

19           (e-6) For a matter pertaining to an application described by  
20 Subsection 11.122(b-1), Water Code, the administrative law judge  
21 must complete the proceeding and provide a proposal for decision to  
22 the commission not later than the 270th day after the date that the  
23 matter was referred to the office.

24           SECTION 3. The changes in law made by this Act apply only to  
25 an application for an amendment to a water right that is filed with  
26 the Texas Commission on Environmental Quality on or after the  
27 effective date of this Act. An application filed with the

1 commission before the effective date of this Act is governed by the  
2 law as it existed immediately before the effective date of this Act,  
3 and that law is continued in effect for that purpose.

4 SECTION 4. This Act takes effect September 1, 2017.